



underberg & kessler LLP

PAUL F. KENEALLY, PARTNER
(585) 258-2882
pkeneally@underbergkessler.com

March 3, 2017

VIA CM/ECF SYSTEM

Hon. Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Daniel Kleeberg, et al. v. Lester Eber, et al.
Case No. 1:16-cv-09517**

Dear Judge Kaplan:

We represent defendants Lester Eber, Alexbay LLC, Eber Bros. & Co., Inc., Eber Bros. Wine and Liquor Corporation, Eber Bros. Wine & Liquor Metro, Inc., Eber Connecticut LLC and Wendy Eber and formally appeared yesterday in the above-referenced action.

We understand that a settlement conference has been discussed and/or scheduled for March 23, 2017. We respectfully request a brief adjournment of same as one of my clients, Wendy Eber, will be out of the country that week and her presence is crucial to any meaningful settlement talks. Plaintiffs' counsel has indicated his consent to a brief adjournment, and stated that he and his clients are not available during the week of March 27, 2017, but are generally available thereafter, as are we. Mr. Calihan, attorney for Defendant Gunaer, and Mr. Bauer, who will be appearing for The Canandaigua National Bank & Trust Company, also do not object to adjourning the March 23, 2017 date.

Thank you for your consideration.

Respectfully,

Paul F. Keneally

PFK/ddd

cc.: Ms. Wendy Eber (*via email*)
Mr. Lester Eber (*via email*)
Brian C. Brook, Esq. (*via CM/ECF and email*)
Robert Barnes Calihan, Esq. (*via CM/ECF and email*)
William G. Bauer, Esq. (*via email*)